

By: Representative Rosebud

To: Corrections;  
Apportionment and Elections

HOUSE BILL NO. 867

1 AN ACT TO AMEND SECTION 47-7-33.1, MISSISSIPPI CODE OF 1972,  
 2 TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO INCLUDE IN AN  
 3 OFFENDER'S DISCHARGE PLAN INFORMATION REGARDING WHETHER THE  
 4 OFFENDER WAS CONVICTED OF A DISENFRANCHISING CRIME; TO REQUIRE  
 5 THE DEPARTMENT TO PROVIDE AN OFFENDER, WHO HAS NOT REGISTERED TO  
 6 VOTE, WITH A MAIL-IN VOTER REGISTRATION APPLICATION TO PROVIDE THE  
 7 OFFENDER WITH AN OPPORTUNITY TO BECOME A REGISTERED VOTER WITHIN  
 8 THIS STATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 23-15-47,  
 9 MISSISSIPPI CODE OF 1972, TO REQUIRE THE SECRETARY OF STATE TO  
 10 PROVIDE THE DEPARTMENT OF CORRECTIONS WITH MAIL-IN VOTER  
 11 REGISTRATION APPLICATIONS WHICH MAY BE PROVIDED TO CERTAIN  
 12 OFFENDERS WHO WILL BE RETURNING TO THE COMMUNITY; AND FOR RELATED  
 13 PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 **SECTION 1.** Section 47-7-33.1, Mississippi Code of 1972, is  
 16 amended as follows:

17 47-7-33.1. (1) The department shall create a discharge plan  
 18 for any offender returning to the community, regardless of whether  
 19 the person will discharge from the custody of the department, or  
 20 is released on parole, pardon, or otherwise. At least ninety (90)  
 21 days prior to an offender's earliest release date, the  
 22 commissioner shall conduct a pre-release assessment and complete a  
 23 written discharge plan based on the assessment results. The



24 discharge plan for parole eligible offenders shall be sent to the  
25 parole board at least thirty (30) days prior to the offender's  
26 parole eligibility date for approval. The board may suggest  
27 changes to the plan that it deems necessary to ensure a successful  
28 transition.

29 (2) The pre-release assessment shall identify whether an  
30 inmate requires assistance obtaining the following basic needs  
31 upon release: transportation, clothing and food, financial  
32 resources, identification documents, housing, employment,  
33 education, health care and support systems. The discharge plan  
34 shall include information necessary to address these needs and the  
35 steps being taken by the department to assist in this process,  
36 including an up-to-date version of the information described in  
37 Section 63-1-309(4). Based on the findings of the assessment, the  
38 commissioner shall:

39 (a) Arrange transportation for inmates from the  
40 correctional facility to their release destination;

41 (b) Ensure inmates have clean, seasonally appropriate  
42 clothing, and provide inmates with a list of food providers and  
43 other basic resources immediately accessible upon release;

44 (c) Ensure inmates have a provisional driver's license  
45 issued pursuant to Title 63, Chapter 1, Article 7, Mississippi  
46 Code of 1972, a regular driver's license if eligible, or a  
47 state-issued identification card that is not a Department of  
48 Corrections identification card;



49           (d) Assist inmates in identifying safe, affordable  
50 housing upon release. If accommodations are not available,  
51 determine whether temporary housing is available for at least ten  
52 (10) days after release. If temporary housing is not available,  
53 the discharge plan shall reflect that satisfactory housing has not  
54 been established and the person may be a candidate for  
55 transitional reentry center placement;

56           (e) Refer inmates without secured employment to  
57 employment opportunities;

58           (f) Provide inmates with contact information of a  
59 health care facility/provider in the community in which they plan  
60 to reside;

61           (g) Notify family members of the release date and  
62 release plan, if the inmate agrees; and

63           (h) Refer inmates to a community or a faith-based  
64 organization that can offer support within the first twenty-four  
65 (24) hours of release.

66           (3) A written discharge plan shall be provided to the  
67 offender and supervising probation officer or parole officer, if  
68 applicable.

69           (4) A discharge plan created for a parole-eligible offender  
70 shall also include supervision conditions and the intensity of  
71 supervision based on the assessed risk to recidivate and whether  
72 there is a need for transitional housing. The board shall approve



73 discharge plans before an offender is released on parole pursuant  
74 to this chapter.

75 (5) (a) The discharge plan for any offender shall include  
76 written information that informs an offender of whether he or she  
77 was convicted of a disenfranchising crime.

78 (b) If an offender has not been convicted of a  
79 disenfranchising crime and the offender has not registered to vote  
80 within this state, then the department shall provide the option to  
81 the offender to become a registered voter by requiring the  
82 department to provide a Mississippi mail-in voter registration  
83 application to the offender. If an offender chooses to become a  
84 registered voter and the offender knows his or her place of  
85 residence upon his or her release, then the department shall mail  
86 a completed mail-in voter registration application to the county  
87 registrar where the offender will reside.

88 **SECTION 2.** Section 23-15-47, Mississippi Code of 1972, is  
89 amended as follows:

90 23-15-47. (1) Any person who is qualified to register to  
91 vote in the State of Mississippi may register to vote by mail-in  
92 application in the manner prescribed in this section.

93 (2) The following procedure shall be used in the  
94 registration of electors by mail:

95 (a) Any qualified elector may register to vote by  
96 mailing or delivering a completed mail-in application to his or  
97 her county registrar at least thirty (30) days before any



98 election; however, if the thirtieth day to register before an  
99 election falls on a Sunday or legal holiday, the registration  
100 applications submitted on the business day immediately following  
101 the Sunday or legal holiday shall be accepted and entered into the  
102 Statewide Elections Management System for the purpose of enabling  
103 voters to vote in the next election. The postmark date of a  
104 mailed application shall be the applicant's date of registration.

105 (b) Upon receipt of a mail-in application, the county  
106 registrar shall stamp the application with the date of receipt,  
107 and shall verify the application either by matching the  
108 applicant's Mississippi driver's license number through the  
109 Mississippi Department of Public Safety or by matching the  
110 applicant's social security number through the American  
111 Association of Motor Vehicle Administrators. Within fourteen (14)  
112 days of receipt of a mail-in registration application, the county  
113 registrar shall complete action on the application, including any  
114 attempts to notify the applicant of the status of his or her  
115 application.

116 (c) If the county registrar determines that the  
117 applicant is qualified and his or her application is legible and  
118 complete, the county registrar shall mail the applicant written  
119 notification that the application has been approved, specifying  
120 the county voting precinct, municipal voting precinct, if any,  
121 polling place and supervisor district in which the person shall  
122 vote. This written notification of approval containing the



123 specified information shall be the voter's registration card. The  
124 registration card shall be provided by the county registrar to the  
125 applicant in accordance with Section 23-15-39. Upon entry of the  
126 voter registration information into the Statewide Elections  
127 Management System, the system shall assign a voter registration  
128 number to the applicant. The assigned voter registration number  
129 shall be clearly shown on the written notification of approval.  
130 In mailing the written notification, the county registrar shall  
131 note the following on the envelope: "DO NOT FORWARD". If any  
132 registration notification form is returned as undeliverable, the  
133 voter's registration shall be void.

134 (d) A mail-in application shall be rejected for any of  
135 the following reasons:

136 (i) An incomplete portion of the application makes  
137 it impossible for the registrar to determine the eligibility of  
138 the applicant to register;

139 (ii) A portion of the application is illegible in  
140 the opinion of the county registrar and makes it impossible to  
141 determine the eligibility of the applicant to register;

142 (iii) The county registrar is unable to determine,  
143 from the address and information stated on the application, the  
144 precinct in which the voter should be assigned or the supervisor  
145 district in which he or she is entitled to vote;

146 (iv) The applicant is not qualified to register to  
147 vote pursuant to Section 23-15-11;



148                   (v) The county registrar determines that the  
149 applicant is already registered as a qualified elector of the  
150 county;

151                   (vi) The county registrar is unable to verify the  
152 application pursuant to subsection (2)(b) of this section.

153                   (e) If the mail-in application of a person is subject  
154 to rejection for any of the reasons set forth in paragraph (d)(i)  
155 through (iii) of this subsection, and it appears to the county  
156 registrar that the defect or omission is of such a minor nature  
157 and that any necessary additional information may be supplied by  
158 the applicant over the telephone or by further correspondence, the  
159 county registrar may write or call the applicant at the telephone  
160 number or address, or both, provided on the application. If the  
161 county registrar is able to contact the applicant by mail or  
162 telephone, the county registrar shall attempt to ascertain the  
163 necessary information, and if this information is sufficient for  
164 the registrar to complete the application, the applicant shall be  
165 registered. If the necessary information cannot be obtained by  
166 mail or telephone, or is not sufficient to complete the  
167 application within fourteen (14) days of receipt, the county  
168 registrar shall give the applicant written notice of the rejection  
169 and provide the reason for the rejection. The county registrar  
170 shall further inform the applicant that he or she has a right to  
171 attempt to register by appearing in person or by filing another  
172 mail-in application.



173           (f) If a mail-in application is subject to rejection  
174 for the reason stated in paragraph (d)(v) of this subsection and  
175 the "present home address" portion of the application is different  
176 from the residence address for the applicant found in the  
177 Statewide Elections Management System, the mail-in application  
178 shall be deemed a written request to update the voter's  
179 registration pursuant to Section 23-15-13. The county registrar  
180 or the election commissioners shall update the voter's residence  
181 address in the Statewide Elections Management System and, if  
182 necessary, advise the voter of a change in the location of his or  
183 her county or municipal polling place by mailing the voter a new  
184 voter registration card.

185           (3) The instructions and the application form for voter  
186 registration by mail shall be in a form established by rule duly  
187 adopted by the Secretary of State.

188           (4) (a) The Secretary of State shall prepare and furnish  
189 without charge the necessary forms for application for voter  
190 registration by mail to each county registrar, municipal clerk,  
191 all public schools, each private school that requests such  
192 applications, \* \* \* all public libraries and all state  
193 correctional facilities.

194           (b) The Secretary of State shall distribute without  
195 charge sufficient forms for application for voter registration by  
196 mail to the Commissioner of Public Safety, who shall distribute  
197 the forms to each driver's license examining and renewal station





198 in the state, and shall ensure that the forms are regularly  
199 available to the public at such stations.

200 (c) Bulk quantities of forms for application for voter  
201 registration by mail shall be furnished by the Secretary of State  
202 to any person or organization. The Secretary of State shall  
203 charge a person or organization the actual cost he or she incurs  
204 in providing bulk quantities of forms for application for voter  
205 registration to such person or organization.

206 (5) The originals of completed mail-in applications shall  
207 remain on file in the office of the county registrar with copies  
208 retained in the Statewide Elections Management System.

209 (6) If the applicant indicates on the application that he or  
210 she resides within the city limits of a city or town in the county  
211 of registration, the county registrar shall enter the information  
212 into the Statewide Elections Management System.

213 (7) If the applicant indicates on the application that he or  
214 she has previously registered to vote in another county of this  
215 state or another state, notice to the voter's previous county of  
216 registration in this state shall be provided through the Statewide  
217 Elections Management System. If the voter's previous place of  
218 registration was in another state, notice shall be provided to the  
219 voter's previous state of residence.

220 (8) Any person who attempts to register to vote by mail  
221 shall be subject to the penalties for false registration provided  
222 for in Section 23-15-17.



223           **SECTION 3.** This act shall take effect and be in force from  
224 and after July 1, 2023.

